

1791A  
CE- 04-43  
OR 60687

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
EUGENE DISTRICT

CATEGORICAL EXCLUSION REVIEW  
Exception Criteria Review Checklist

Proposed Action: To issue a "Letter of Consent", to FHWA, which will constitute BLM's agreement to an appropriation for a approximately 967 square foot right of way to facilitate construction of a passing lane on Hwy 126.

Review the proposed action against each of the ten criteria listed below. If the project meets one or more of the criteria, it is an exception from categorical exclusion and MUST be analyzed in an EA or EIS. To qualify as a Categorical Exclusion the proposed action may not meet any of the criteria. If the criterion does not apply, indicate "Not Applicable." Any mitigation measures (such as contract stipulations or terms and conditions on permits) necessary to ensure that the proposed action qualifies as a categorical exclusion should be identified at the bottom of the page.

Exception Criteria		Comments
1.	Have significant adverse effects on public health or safety.	
2.	Have adverse effects on unique resources (i.e., parks, recreation, refuge lands, wilderness areas, wild or scenic rivers, wetlands, floodplains, etc.).	
3.	Have highly controversial environmental effects.	
4.	Have highly uncertain environmental effects or involve unique or unknown environmental risks.	
5.	Establish a precedent that could result in significant impacts.	
6.	Be directly related to other actions having cumulatively significant effects.	
7.	Have adverse effects on cultural or historical resources.	
8.	Have adverse effects on species listed or proposed as threatened or endangered or have adverse effect on designated critical habitat for these species.	Botany:
		Wildlife:
		Fisheries: Hydrology:
9.	Require compliance with E.O. 11988 (floodplain management, (E.O. 11990 (protection of wetlands), or the Fish & Wildlife Coordination Act	
10.	Threaten to violate Federal, State, Local or Tribal law or requirements imposed for the protection of the environment.	

Mitigation measures needed to qualify as CE:
<i>For Wildlife: No Blasting</i>
<i>Fisheries: Conferred w/ Brian Bauman of ODOT &amp; Agreed that no Coho in Project Area (No Consultation Needed)</i>

Reviewed By /s/ Gary Hoppe

Date 7/28/2004

Above mitigation measures have been adopted and will be implemented.

Field Manager /s/ Steven Calish

Date 7/28/2004

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
EUGENE DISTRICT OFFICE

DECISION RECORD  
CATEGORICAL EXCLUSION REVIEW

Background: The Oregon Department of Transportation has requested that the Eugene District BLM add an additional 967 square feet to an existing right-of-way located in the Southeast quarter of the Northeast quarter of T. 17 S., R. 7 W., Section 33, Willamette Meridian. The additional right of way width is necessary to facilitate construction of an improvement, in the form of a passing lane, to the existing Oregon Route 126 (Florence-Eugene Highway). The project is intended to improve safety at this location.

Pursuant to 23 U.S.C., Sections 107(d) and 317, the Federal Highway Administration (FHWA), acting for the Department of Transportation, may request the appropriation of public land for highway or material site right-of ways. BLM's authorization process for this type of appropriation is accomplished with the issuance of a "Letter of Consent".

Proposed Action: The proposed action is to appropriation of the above mentioned lands. The BLM will issue a "Letter of Consent", to FHWA, which will constitute BLM's agreement to the appropriation. Implementation of this decision will result in the transfer of the above mentioned public lands to FHWA in the form of a highway appropriation. The FHWA in turn will transfer the highway appropriation to the Oregon Department of Transportation.

Decision: It is my decision to issue a "Letter of Consent", to FHWA, which will constitute BLM's agreement to the appropriation of 967 square feet (0.022 acres) of BLM administered lands in East half of the Northeast quarter of T. 17 S., R. 7 W., Section 33, Willamette Meridian.

Rationale: The proposed action meets the criteria for the categorical exclusion in departmental manual 516 DM 6, Appendix 5.4E(16)( Acquisitions of easements for an existing road or issuance of leases, permits or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes.), and none of the exceptions in 516 DM 2, Appendix 2, apply. Further, the action is in conformance with the Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents within the Range of the Northern Spotted Owl (April 1994), and the Eugene District Record of Decision and Resource Management Plan (May 1995), as amended January 2001, and March 2004..

Prepared By: /s/ Cheryl Adcock  
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Planning & Environmental Coordinator

Approved By: /s/ Steven Calish  
Field Manager